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PLEASE REPLY TO:  
TROY OFFICE

April 26, 2018

**VIA CM/ECF**

Hon. Thérèse Wiley Dancks  
U.S. Magistrate Judge  
U.S. District Court, Northern District of New York  
Federal Building and U.S. Courthouse  
P.O. Box 7346  
Syracuse, New York 13261-7346

Re: John Doe v. Hartwick College  
Civil Action No. 1:17-cv-00853 (BKS/TWD)

Dear Magistrate Judge Dancks:

I am writing to inform the Court as to an unexpected difficulty that has arisen with regard to the mandatory mediation in this matter which was scheduled for April 18, 2018 with retired magistrate David Homer.

Due to unforeseen circumstances, and literally on the eve of the mediation, Judge Homer's office contacted defense counsel and my office to inform us that Judge Homer required immediate emergency surgery on his knee, and would have to cancel the mediation. Judge Homer intends to return to his work by the beginning of June.

Accordingly, it became impossible to meet the mediation deadline set by the Court, and the parties have been engaging in good faith negotiations to develop the proposal which I am putting before the Court in this letter.

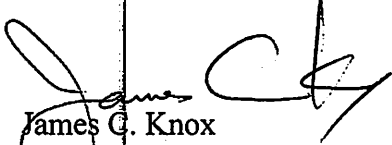
While in other cases it may have made sense to simply abandon one mediator and seek out another, in this matter Judge Homer has already invested significant time into the matter and has mediated this case over the phone with counsel on numerous occasions, both together and individually. He has gained significant knowledge of the operative facts, the respective positions of the parties and, perhaps most importantly, the evolution of the negotiations between the parties through the course of weeks and weeks of back and forth, good faith negotiations. Both parties would prefer to have Judge Homer continue as mediator because he seems best placed to aid the parties in reaching agreement.

Thus, defense counsel and I are requesting that the Court extend the mediation deadline to the end of June, so that we can continue with Judge Homer as the mediator in this case. Similarly, we are requesting that the operative discovery deadlines be extended by a corresponding amount.

Thank you for your courtesies and attention to this request.

Very truly yours,

E. STEWART JONES HACKER MURPHY, LLP

A handwritten signature in black ink, appearing to read "James C. Knox", with a stylized flourish at the end.

James C. Knox

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JCK/ckm